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INFO RUEHAC/AMEMBASSY ASUNCION 5680
RUEHBO/AMEMBASSY BOGOTA 1415
RUEHBR/AMEMBASSY BRASILIA 5522
RUEHMD/AMEMBASSY MADRID 1740
RUEHME/AMEMBASSY MEXICO 1187
RUEHMN/AMEMBASSY MONTEVIDEO 5840
RUEHSG/AMEMBASSY SANTIAGO 5283
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C O N F I D E N T I A L BUENOS AIRES 002237

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SUBJECT: ARGENTINA: ACCUSED TORTURER AND FORMER POLICE
OFFICIAL CONVICTED; WITNESS DISAPPEARS

Classified By: CDA Michael Matera for Reasons 1.4(b) and (d).

11. (U) SUMMARY: Former police official and accused torturer Miguel Osvaldo Etchecolatz was convicted on September 19, 2006 for the disappearance of six people during the Argentine military dictatorship. The ruling was significant as the first major conviction since two amnesty laws were overturned by the Argentine Supreme Court last year. The case has garnered intense media scrutiny, especially since Jorge Julio Lopez, a torture victim who testified against Etchecolatz, disappeared the day the verdict was read. His disappearance has become a major issue of intense political and public debate. END SUMMARY.

12. (U) The 77-year old Former Commissioner General of the Buenos Aires provincial police Miguel Osvaldo Etchecolatz was convicted and sentenced to life in prison on September 19, 2006 for human rights abuses committed during the military dictatorship in Argentina. The ruling was significant as the first to decide that crimes committed during the dictatorship qualify as crimes of "genocide". Etchecolatz is believed to have been a close collaborator of Ramon Camps, the late Buenos Aires provincial police chief who was closely allied with the military during the "Dirty War." Etchecolatz had previously been convicted and sentenced to 23 years in prison for his role in the human rights abuses, but his conviction was nullified by two amnesty laws that were enacted in 1985 to ensure good relations between the recently reinstalled democratic regime under Raul Alfonsin and the military. Etchecolatz was already serving a long sentence for stealing babies of victims of the military government, a crime that was not covered by the amnesty laws.

13. (U) The same day Etchecolatz was convicted, Jorge Julio Lopez, whose testimony of how Etchecolatz tortured him and killed a fellow prisoner was crucial to the conviction, disappeared. Lopez, also 77, was reported missing on September 19 when his son arrived at his home to drive him to the courthouse. The disappearance has caused a public uproar, culminating in a march of several thousand people in the Plaza de Mayo on September 27. Although there is no hard evidence that Lopez was the victim of foul-play, the disappearance has sparked political recriminations from all sides. Province of Buenos Aires Governor Felipe Sola was quoted in local press as calling Lopez "the first disappeared person in democracy" and as wondering whether Lopez "could have been kidnapped to intimidate future witness or prevent future testimony." President Kirchner expressed concern for

Lopez, but also took the opportunity to comment on how "the past has not been beaten or defeated and we must be on alert," alluding to pending dangers from the military and right-wing groups.

¶4. (U) Shortly after coming into office in May 2003, President Kirchner began the process to repeal the two amnesty laws. The Argentine Supreme Court overturned the laws in June 2005, clearing the way for dozens of new trials of accused torturers. Although Etchecolatz's trial was the first to begin since the Court's ruling, it is the second to result in a conviction; former police officer Julio Simon was sentenced on August 4 to 25 years in prison for human rights abuses in connection with the 1978 disappearance of a married couple.

¶5. (C) COMMENT: The Etchecolatz conviction is a significant success for human rights groups who still seek justice for those who were murdered or disappeared during the military dictatorship. While the disappearance of Lopez and his fate are concerning, it has also become a potentially powerful political issue. Governor Sola seems to be using it to blame crime and insecurity, which are top public concerns in his voting district, on an indefinable threat from the right. Kirchner, who chastised Sola for his comments about Lopez, could use the case to prevent Sola, a nominal ally of Kirchner, from running for a third term as Governor and therefore open the position to one of his preferred candidates.

¶6. (C) In a conversation with Emboff, a former senior MFA official and former Montonero speculated that the disappearance of Lopez could be the first step towards

renewed political violence in Argentina. He said he feared that there would be more cases of threatened or harmed witnesses, possibly from extremists opposed to revisiting the past and retrying officials from the dictatorship. We feel it is too early to assume the Lopez disappearance is part of a sinister trend. We will monitor and report on any further instances of threats or violence as the "Dirty War" cases continue. END COMMENT.
MATERA